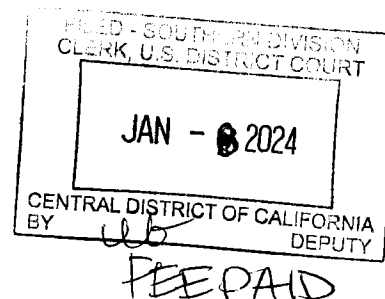


JACK R. FINNEGAN
12575 Catalina Drive
Santa Ana, CA 92705
714-544-3247
Debtor in Possession

NO CV 30
-I/S 60



IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

In re JACK RICHARD FINNEGAN)
)
Debtor)
v.)
)
UNITED STATES AGENCIES,)
OFFICER, EMPLOYEES, PETER C.)
ANDERSON, FRANK M. CADIGAN,)
QUEENIE NG, THEODOR S. ALBERT)
DAVID M. SINGER, BRENT RAGSIC)
)
DOES 1 THROUGH 10)
)
Defendants)
_____)

CASE No: 8:24-cv-00038-PA-DMK
Dept:
Central District, Southern Division
Chapter 11 Individual, Reorganization
**REOPENING COMPLAINT TO
OBTAIN A DETERMINATION
UNDER BANKRUPTCY RULE
4007(b), AND CONCURRENTLY
TO REOPEN A CASE BASED UPON
AN ALLEGED VIOLATION OF THE
TERMS OF THE DISCHARGE
UNDER 11 USC §524, AND WHEN THE
REOPENING IS TO CORRECT AN
ADMINISTRATIVE ERROR, 28 USC
§1411(a). 8:18-bk-10762-TA**

**JURISDICTION, 28 USC §1408(1), 28 USC §1409(a) 11 USC RULE 4007(b),
DEMAND FOR JURY TRIAL PURSUANT TO UNITED STATES
CONSTITUTION AMENDANT VII, [1791], and FRCivP Rule 38(b).
DEBTOR DOES NOT CONSENT TO THE ENTRY OF FINAL ORDERS OR
JUDGMENTS BY THE BANKRUPTCY COURT.**

Determination Bankruptcy Rule 4007(b)

1. Federal Rules of Evidence Rule 101, states. “These rules govern proceedings in the courts of the United States and before the United States bankruptcy judges ... to the extent and with the exceptions stated in, Rule 1101 Applicability of Rules states, “ (a) Courts and Judges, “These rules apply to the United States district courts, ... United States bankruptcy judges ... in the actions, cases, and proceedings and to the extent hereinafter set forth. The terms “judges” and “court” in these rules include United States bankruptcy judges” (b) Proceedings Generally states, “These rules apply generally to civil actions and proceedings, including and to proceedings and cases under title 11, United States Code.” Federal Rules of Evidence Rule 302, Applicability of State Law in Civil Actions and Proceedings states, “In civil actions and proceedings, the effect of a presumption (Rule 301) respecting a fact which is an element of a claim or defense as to which State law supplies the rule of decision is determined in accordance with State law.”
2. The Statutory Notes of the 1978 Acts, (as allowed by FRCivP Rule 1), states, Federal Rules of Civil Procedure, Rule 1, allow the use of the original Advisory Committee and its successors published Notes. The Notes have assumed the force of a veritable legislative history to the Rules and their amendments. The Notes can be cited as formidable (though non-binding) authority for construing the Rules. The Supreme Court credits the Committee Notes as a respected source of scholarly commentary, and has instructed that the Notes are properly afforded weight and thus provide a useful guide in discerning the meaning of the Rules.
3. 11 USC 8301 [37], specifies the manner in which a voluntary bankruptcy case is commenced. **The debtor files a petition under the section under the particular operative chapter of the bankruptcy code under which he wishes to proceed.**

The filing of the petition constitutes an order for relief in the case under that chapter.”

4. **California Constitution** is a valid document and applicable in all Federal Courts by virtue of the United States Constitution, 10th Amendment, (1791) “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” The adoption of the Bill of Rights, is to the first ten amendments. California Constitution contains specific provisions that govern in a bankruptcy court, i.e. Article 1, Section 3(b)(2), “A statute, court rule, or other authority...shall be broadly construed if it furthers the people’s right....” Article 1, Section 3(4) “...including the guarantee that a person may not be deprived of ... or property without due process of law. or denied equal protection of the laws ...” Article 1, Section 7(a), “a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, or violate the Equal Protection Clause of the United States Constitution. Article 1, Section 7(b), “...privileges or immunities not granted on the same terms to all citizens.” Article 1, Section 24 “Rights guaranteed by this Constitution....” Article 1, Section 26 “The provisions of this Constitution are mandatory and prohibitory....”
5. Federal Statute 11 USC §105(a)(c) [39, 119], [Official Docket #], states, “The court may issue any order, process, or judgment that is **necessary or appropriate to carry out the provisions of this title.**” This Federal law does not allow the court to violate the provisions of the Bankruptcy Code, or Constitutional guarantees, it only allows the court to enforce court orders or rules that are authorized by the Code.
6. Due Process includes the conduct of legal proceeding to establish rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case.

Murray's Lessee v. Hoboken Land & Improvement Co., 59 U.S. (18 How.) 272, 276, (1856). An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is Notice reasonable calculated, under all circumstances, to apprise interested parties of the pendency of an action and afford them an opportunity to present their objections...the Notice must be of such nature as reasonably to convey the required information. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S. Ct. 652, 657 (1950). Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively presumed against him, this is not due process of law and it **forbids** condemnation without a hearing. Fundamental requisite of due process is the opportunity to be heard and to defend in orderly proceeding adapted to nature of the case, and the guarantee of due process requires that every man have protection of day in court and benefit of general law. The constitutional provision that prohibits the government from unfairly or arbitrarily depriving a person of life, liberty, or property. There are two Due Process Clauses in the U.S. Constitution, one in the 5th Amendment applying to the federal government and one in the 14th Amendment applying to the states (although the 5th Amendment Due Process Clause also applies to the states under the incorporation doctrine)."

7. The 14th Amendment guarantee that the government must treat a person or class of persons the same as it treats other persons or classes in like circumstances. The equal protection principal is exclusively associated with written Constitutions and

embodies guarantees of equal treatment normally applied not only to the procedural enforcement of laws but also to the substantive contents of their provisions. In the early 1970s, the Burger Supreme Court, continued to expand the protection of the due process clause to require trial-type hearings prior to the infringement of individuals' rights and entitlements. Notable, in *Goldberg v. Kelly*, 397 U.S. 254 (1970), the Supreme Court held that the due process clause of the Fourteenth Amendment requires a trial-type hearing for recipients. The United States Congress subsequently enacted bankruptcy statutes in 1841, 1867, 1898, and 1978 with the Bankruptcy Reform Act that created the Bankruptcy Code. Congress enacted substantial amendments to the 1978 Bankruptcy Code through the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. When a debtor files any petition with the Bankruptcy Court seeking relief, the debtor receives two very important provisions, an automatic stay and ultimately the right to **discharge** under Title 11 Code.

8. In amending Title 28 in 1978, **Congress gave Bankruptcy judges none of the protection found in Article III of the Constitution.** Bankruptcy court is not a separate court, rather a part of District court. In 1984 Congress **rejected the idea of making the Bankruptcy court an Article III court**, and instead made the Bankruptcy court a part of the Federal District Court, thereby removing the Bankruptcy court from the provisions of 28 USC §1334(b), and allocated judicial power in Bankruptcy matters between the Federal District judge and the Bankruptcy judge **but not jurisdiction.** For over **200-years**, Inferior Officers were referred to as Bankruptcy referees.

9. 28 USC §151, specifically states “**except as otherwise provided by law** or by rule or order of the District Court.” **28 USC §157 does not grant jurisdiction.** There must always be a Party in Interest, BKR 4001(a), and there must be an action by a

Party in Interest for cause BKR, 9014.

10. 28 USC §1334(a) vests **original and exclusive jurisdiction** in the District Court over all cases arising under the Bankruptcy Code. **Case**, refers to the entire Chapter 11 Case. The term “Case” is to be distinguished from the term “proceedings”. Proceedings include “contested matters” and “adversary proceedings”. The District judge **retains ultimate control** over the role of the, Bankruptcy judge, **for cause**, if the proceedings require consideration of **other laws** of the United States, or personal injuries.

11. 28 USC §2075, gives the **United States Supreme Court** the power to promulgate rules of practice and procedures in all District Courts. Rule 1 of the Coded of Civil Procedure states, “The rules have the force and effect of law.

12. The United States Constitution created three Branches of Government, The First was the Legislative, under Article I, consisting of the Senate 100 Members, and the House 435 Members, the Second was the Executive Branch under Article II, the President, and the Third was the judiciary, or the Supreme Court and such inferior courts, under Article III. The judicial Power shall extend to all cases, in law or equity arising under this Constitution, the Laws of the United States ... to all cases.

13. 28 USC §3014(a). **Exempt Property**, which states in part: “an individual debtor ... elects to exempt property.” 11 USC §3014(a)(2), states, “Any property that is exempt under Federal law ... that is applicable on the date of filing ... for the 180 days immediately preceding the date of filing ... or for a longer portion” 11 USC §3014(a)(2)(B), states, “Any interest in property in which the debtor had immediately before filing ... to the extent that such interest is exempt” §3014(a)(3), states, “**... an exemption shall prevent the United States from selling, or otherwise**

disposing of the property for which the exemption is claimed The United States may not take possession of, dispose of, sell, or otherwise interfere with the debtor's normal use and enjoyment of an interest in property the United States knows or has reason to know is exempt."

14. 28 USC §1115(a). **Property of the Estate**, which states in part, "In a case in which the debtor is an individual ... " §1115(b). which states in part, "the debtor shall remain in possession of all property of the estate."

15. 28 USC §3102(a)(1). **Attachment**, which states in part, "Any property in the possession, custody, or control of the debtor and in which the debtor has a substantial nonexempt interest, ... may be attached" 28 USC §3102(c)(1), which states in part, "Subject to subsections (a) and (b) a writ of attachment shall be issued" 28 USC §3102(g)(4), which states in part, "If any property claimed to be exempt is levied on, the debtor may at any time"

16. 28 USC §3203(a). **Execution**, which states in part, "All property in which ... debtor has a substantial nonexempt interest

17. **Federal Right of Statute 11 USC §541(b)(1)**, specifically states, "that a Trust is not Property of the Estate." Compliance with both Constitutions, Federal and California law, makes the Taking of Personal and Real property a violation of Constitutional and Statutory Law.

18. 11 USC §558. **Defense of the Estate**, which states in part, "The estate shall have the benefit of any defense available to the debtor as against any entity ... including statutes of limitations, statutes of **fraud**, usury, and other personal defenses.

19. Bankruptcy Rule 1001 **Scope of Rules and Forms; Short Title**, states, "The Bankruptcy Rules and Forms govern procedures in cases under title 11 of the United States Code. **These rules shall be construed, administered, and employed by the**

court and the parties to secure the just, speedy, and inexpensive determination of every case and proceeding.” Bankruptcy Rule 6009 **Prosecution and Defense of Proceedings by Trustee or Debtor in Possession**, states, “With or without court approval, the trustee or debtor in possession may prosecute or may enter an appearance and defend any pending action or proceeding by or against the debtor, or commence and prosecute any action or proceeding in behalf of the estate before any tribunal.

20. Bankruptcy Rule 1002 **Commencement of case, Advisory Notes**, Under, §301 ... a voluntary case is commenced by the filing a petition with the bankruptcy court.

21. 11 USC §1107(a), **Rights, powers, and duties of debtor in possession**, which states in part, “... a debtor in possession shall have **all the rights**,” **Legislative History**, states, “This section places a debtor in possession in the shoes of a trustee in every way.” *See Wolf v. Weinstein*, (1963)

22. 11 USC §1108, **Authorization to operate business, Legislative History**, states, “This section permits the debtor’s business to continue to be operated, unless the court orders otherwise. Thus, in a reorganization case, operation of the business will be the rule, and it will not be necessary to go to the court to obtain an order authorizing operation. This section does not presume that a trustee will be appointed See Bankruptcy Rules 1020(b)(c) and **Advisory Notes**, and Rule 3017.1, which requires the court to fix the time and date of Claims and interest, filing objections, and dates of hearings,”

23. 11 USC §301(a), **Voluntary cases**, A bankruptcy case is commenced when a petition is filed, the filing operates as an Order for relief, 11 USC §301(b). The filing fee for Chapter 11 is \$1,167.00 almost five times the cost as opposed to a filing fee of \$245.00 §301(a). states, “A voluntary case under a chapter of this title is commenced by filing with the bankruptcy court of a petition under such chapter by an entity that

may be a debtor under such chapter.” **Legislative History**, states, “The debtor files a petition under this section **under the particular operative chapter** of the bankruptcy code under which **he wishes to proceed**. The filing of the petition constitutes an order for relief **in the case under that chapter.**”

24. 11 USC §105(a), **Power of court**, states in part, “**The court may issue any order, process, or judgment that is necessary, or appropriate to carry out the provisions of this title.**”

25. 11 USC §1121(a), **Who may file a plan**, states in part, “The debtor may file a plan ... **at any time in a voluntary case ...**.” §1121(b), states in part, “**...only the debtor may file a plan ...**.” §1121(d)(1), states in part, “**on request of a party in interest ...**.” §1121(e)(1), states in part, “only the debtor may file a plan”, §1121(e)(1)(B), states, “the court for cause, orders otherwise.” **Legislative History** states in part, “§1121(b), **gives the debtor the exclusive right** to file a plan during the first 120 days of the case. ...”

26. 11 USC §1123(b)(1)(2)(3)(5)(6), **Contents of plan, Legislative History**, “... Section 1123 has been substantively modified” “Paragraph (3)(4) applies to claims not creditors.” “... Section 1123 is also intended to indicate that a plan may provide for any action specified in section 1123....”

27. Bankruptcy Rule 1017(e), **Dismissal or Conversion of a case; Suspension, ,** “The court ...with **the debtor’s consent, only on motion, and after a hearing on Notice to the debtor, ...**.”

28. Bankruptcy Rule 1019, **Conversion of a Chapter 11 Reorganization Case, ...**
Advisory note. “The date fixed for the meeting of creditors (4/9/2018), will control at least the time for filing claims pursuant to Rule 3002(c).” “on a Motion made within

the original prescribed time, **(9/12/2018, date of motion 5 months late).**”
.”Paragraph (4) ... to deal with claims... pursuant to §1111(a) ... is only applicable to a Chapter 11 case.” “Paragraph (2) is deleted ... see Rules 1017(d), 2002(f)(2), and 9022.” “Conversion to chapter 7, terminates the service of the trustee ... pursuant to 11 USC 8348(e) of the Code.”

29. Bankruptcy Rule 3006, **Withdrawal Claims**; ... ,states specifically “A creditor may withdraw a claim ... by filing a Notice ... as provided by this Rule. **The creditor may not withdraw the claim except on order of the court** after a hearing on Notice to the debtor in possession ... pursuant to FRCivP Rule 41.”

30. Bankruptcy Rule 7001, **Scope of Rules of Part VII**, defines when an Adversary proceeding is governed in subparagraphs 1 through 10, and **Advisory Committee Notes**. Rule 7002, **References to Federal Rules of Civil Procedure**, and **Advisory Committee Notes**, Rule 7003, **Commencement of Adversary Proceeding**, **Advisory Committee Notes** refer to Rule 5005(a) and requires a Complaint be filed. Rule 7004, **Process; Service of Summons, Complaint**, defines the requirements of the Rule, **Advisory Committee Notes**, states, Rule 7004 as amended, to provide first-class mail of summons, Subdivision (g) is abrogated. Rules 7005, 7007, 7008 and 7010 defines Pleadings.

31. Bankruptcy Rule, 7012(a), **Defenses and Objections ...** , “changes the time to answer to 35 Days for the United States, 7012(b), applies FRCivP 12(b)(1).

32. Bankruptcy Rule, 7041, **Dismissal of Adversary Proceedings**, states, “except that a complaint objecting to the debtors discharge shall not be dismissed.” **Advisory Committee Notes**, “Dismissal of a complaint objecting to a discharge raises special concerns ... “ This Rule permits the continuation of this salutary practice.”

33. Bankruptcy Rule, 9011(b)(1 – 4), **Signing of papers; ...**, “is certifying that to the best of the person’s knowledge, information, and belief, formed after inquiry reasonable under the circumstances- “
34. Bankruptcy Rule, 9014(a), **Contested Matters**, states, “be requested by Motion and reasonable Notice”, 9014(c) states, “the following rules apply, 7009, 7017, 7021, 7025, 7026, 7028 - 7037, 7041, 7042, 7052, 7054 – 7056, 7064, 7069, and 7071.” **Advisory Committee Notes**, states, “ “Rules 1017(d), 3020(b)(1), 4001(a), 4003(d), and 6006(a), ... specifically provide that litigation under those rules shall be as provided in Rule 9014.” “The filing of an objection to a proof of claim ... creates a dispute which is a Contested Matter” 9014(d) states, “an evidentiary Hearing **must** be held pursuant to FRCilP Rule 43(a) rather than rule 43(e). **The Federal Rules of Evidence also apply in a Contested Matter.**”
35. Bankruptcy Rule, 9029(a)(1), **Local Bankruptcy Rules**, “Each District Court ... may make and amend rules ... in all cases within Bankruptcy jurisdiction ... governs.” **Advisory Committee Notes**, states, “This rule is amended to make to make it clear that the Official Forms must be accepted in every bankruptcy court.”
36. **The Federal Rules of Civil Procedure, Rule 38(a)**, states, “When there are jury and non-jury issues or claims present the jury first determines the jury trial issues, then the court resolves any remaining issues. Any factual findings made by the jury are then binding on the court”
37. **The Federal Rules of Civil Procedure, Rule 42(b)**, states, “A separation under Rule 42 separates aspects of the action for trial, but the aspects remain part of a single action, and results in a single judgment.”
38. Rule of Evidence Rule 302, and 28 USC §1652, California Laws as rules of decisions. Also provided in each instance by the United States Supreme Court, State

39. rules was held and decisions held to be applicable. See, *Erie Railroad Co. v. Tompkins*, 304 U. S. 64, 58 S. Ct. 817, 82 L.Ed. 1188 (1938). Erie applies to any claim or issue having its source in State law, regardless of the basis of federal jurisdiction, “as to which State law supplies the rule of decision.

40. A public officer is liable for his own torts committed in the course of his official duties, and has no immunity from suit. Where the officer is, as a matter of substantive law, liable in damages for his wrongful act, the right to sue is clear. See, *Larson v. Domestic & Foreign Commerce Corp.* (1949) 337 U. S. 682, 69 S. Ct. 1457, 93 L.Ed 1628.

41. If an officer **with limited powers** acts beyond those limitations, he “is not doing the business which the sovereign has empowered him to do or he is doing it in a way which the sovereign has forbidden.” Such ultra vires acts will be the basis for specific relief.

42. The Federal Tort Claims Act, **28 USC §§1346(b), 2671** (officers or employees) allows for personal injury, wrongful deaths, or property damage by negligence or other wrongful act or omission of federal employee acting in scope of employment. **A Government officer is not thereby immunized from liability**, if his action is such that a liability would be imposed by the general law of torts. If the officer acts in the name of the sovereign but under an unconstitutional statute or order, the act is as much beyond his power as one that exceeds statutory limitations.

43. Doc. #1, Dated March 6, 2018, Voluntary Petition of Bankruptcy for Chapter 11, Reorganization, and Fee of **\$1,717.00, for Chapter 11, as opposed to \$335.00 for chapter 7**, an additional fee of \$1,362.00. **11 USC §102, Rules**, (after notice & hearing), **11 USC §105(a)(c) Power of Court**, (provisions of title 11), **11 USC**

44. **§301(a)(b)**, a **Voluntary Petition** invokes the automatic stay of 11 USC 88362(a)(1-8), 11 USC 1107, a self-governing, stay effective against all entities.

45. Violation of 11 USC Code, 88321(a), 322(a), 323(a)(b), 324(a)(b), 326(a)(d), 327, 328, 348(e), 544, 546, 547, 1104, 1105, 1106, 1112, 1129, Bankruptcy Rules, 1017, 1019, 2010, 2011, 2013, 2014, 2016-1, 1017-1, 2090-1, 3030-1, occur at [39, 85, 108, 109, 132, 134, 143, 144, 150, 172, 173, 177, 192, 194, 195, 199, 202, 203, 208, 212, 214, 222, 225, 226, 228, 230 – 235, 237, 238, 254, 294, 322, 327, 332, 338, 352, 355, 356 – 360, 365, 366, 368, 369, 371, 372, 378, 379, 382 – 398, 400 – 406, 409, 411, 412, 420, 422, 424 – 428, 433 – 435, 437 – 439, 440 – 446, 448 – 451, 454 – 456, 459 – 482– 499, 500 – 509, 510 - 520].

46. Doc. [92], Dated June 1, 2018, Motion for disqualification of Inferior Officer, based on bias and prejudice. 28 USC 8455, 11 USC BKR 5004. The highest legal authority of the United States, The power of the **United States Supreme Court** in its numerous rulings, determined the actual disqualification of the Inferior Officer serving as the Bankruptcy Judge in the case. *Liteky v. United States*, 114 S. Ct. 1147, 1162 (1994); *Liljeberg v. Health Services Acquisition Corp.*, (1988) 486, U. S. 487, 108 S. Ct. 2194, 100 L.Ed.2d 855. A judge **must** disqualify himself where disqualification is required by law. **No judge who refuses to recuse himself shall pass upon the sufficiency in law**, fact or otherwise, of the statement of disqualification filed by a party. A disqualified judge has no jurisdiction to act, has no power to act in a proceeding, when filed, until the question of disqualification has been determined is a denial of due process and therefore an act in excess of jurisdiction. Equitable relief has also been granted where the jurisdictional defect was disqualification of the trial judge for interest. *Cadenasso v. Bank of Italy* (1932) 214 C. 562, 6 P.2d 944. Doc. #95, Dated June 7, 2018, Hearing set for Motion for

disqualification of Inferior Officer, **not before a District Judge as required**, in 28 USC §157(c)(1), instead scheduled in 5C (another Inferior Officer) on August 2, 2018. **A non-core proceeding.** 7012(b), FRCP 7008, 7008-1. The United States Supreme Court is the Supreme Law of the Land, and violation of their orders renders all ruling after June 1, 2018, **void**, the rulings having no validity are all **void**. The appointment of a Chapter 11 trustee on May 24, 2018 was an **Adversary Matter** which requires at a minimum a Motion by an **Party in Interest**, (there was none) a **Summons**, (there was none), a **Notice**, (there was none, there is no authority or power without Notice and Hearing), and a **Hearing**, (there was none). Renders the appointment **void**. Other non-core actions are: FRCivP 45, 60(b), R. E. Settlement Act, **Congress Defined cronyism**, violations §362, State Court action, [174, 175, 178, 193, 194, 302], 28 USC §586(a)(3), Non-Core violation of Right to Revocable Living Trust, 28 USC §28 USC 586(a), [122 – 128, 139, 147, 158, 163, 167, 170], 28 USC 1821, 28 USC 586(a)(3)(e), 28 USC 586(a)(3)(11), 28 USC 586(a)(3)(A), 28 USC 2601(a), and established Trust Laws, [121 – 128, 131,]

47. The requirement of Noticed Motion by a Party in Interest, Notice, and a Hearing is a requirement throughout 11 USC Code, a violation of this provision is a violation of 11 USC Code whether the issue is **Adversary or Contested**. Adversary, Rules 7001, 7003, 7004, 7005, 7007, 7009, 7087, 7003-1, 2004-1, 1017.1, 3007, 6004, 3005, 9013, 7003-1, 7004-1, 7026-1, 7052-1, 9013-1 [138, 145, 156, 159, 165, 166, 171, 196, 209, 223, 227, 315, 318]. Contested, Rules 2007.1, 6004, 9014.

48. The requirement of Noticed Motion by a Party in Interest, Notice, and a Hearing is a requirement throughout 11 USC Code, a violation of this provision is a violation of 11 USC Code whether the issue is Claims, Extended Time, or a Stay Motion. Claims, §§502, 1111, 1115, 3007-1, 9009-1, 2003-1, [206, 207, 210, 211, 213, 215 –

221]. Rules 2003-1, 3001, 3002, 3003, 3005, [125, 129, 133, 156, 160, 171, 179, 188 – 189]. Extended Time, Rules, 9006, [239 - 241, 245, 247 – 249 – 252, 263 – 265, 269, 270, 280, 281, 283, 299, 300, 234, 325, 337, 339]. Motions concerning Stay, 8362, 363, 541, 542, 545, Rules 1002, 1019, 1107, 1108, 6004, 8001, 9009, 9024, 3017-2, 4000-1, 7064-1, [Generally throughout Official Record].

The action requiring the Turn Over of Property was invalid from the onset, Doc. #355, Dated June 15, 2021, Doc. #371, Dated July 16, 2021, Doc. #378, Dated September 14, 2021, Doc. #384, Dated October 19, 2021, and Dated October 25, 2021. See, 11 USC 88546(b)(1), 547(b), 547(f), 549(c), and 550(a). The conversion of the case was an invalid act, referrer to Doc. #172, Dated August 22, 2018, #192, Dated September 12, 2018, Doc. #195, Dated September 14, 2018. See, 18 USC 88157, 1519, 11 USC 88102, 105, 109, 301, 348(e), 546, 547(b), 1104(a), and 1112(f). The appointment of the trustee in the case was an invalid act, referrer to Doc. #84, Dated May 23, 2018, Doc. #85, Dated May 24, 2018, #89, Dated May 25, 2018. There was no Motion from a Party in Interest, No Notice, No Hearing,

49. 11 USC 8348(a)(b)(e), effects of conversion (court orders must be for cause), **8348(e) terminates trustee.** 11 USC 8348(e) states, “Conversion of a case under section 706, 1112, 1208, or 1307 of this title terminates the service of any trustee or examiner that is serving in the case before such conversion. ”Pursuant to 11 USC 8348(e) no trustee was never a Chapter 11, or a Chapter 7 trustee in this case. See, 18 USC 88157, 1519, 11 USC 88102, 105, 109, 301, 348(e), 546, 547(b), 1104(a), and 1112(f). The relief granted by the Inferior Officer was invalid. Doc. #145, Dated July 31, 2018, Doc. #191, Dated September 10, 2018, Doc. #223, Dated October 24, 2018, 11 USC 8501(a)(b)(c)(d), Claims, 8502(a)(b)(c)(d), Claims Review, See, Case No. 30-2021-01210293.

50. This case is a continuation of the March 6, 2018, filing of the Petition, no other case can intercede with the **determination of the jury**, in this Bankruptcy Case.

Federal Law Violations of Count One, Exempt Property, ALL DEFENDANTS

The Official Record is a Certification of Clear and Convincing Evidence.

51. 11 USC §105(c), 11 USC §541(b)(1), 11 USC §558 11 USC §1115(a), 28 USC §157(b)(1)(B), 28 USC §1115(b), 28 USC §3014(a)(2), 28 USC §3014(a)(2)(B), 28 USC §3014(a)(3), 28 USC §3102(a)(1), 28 USC §3102(c)(1), 28 USC §3102(g)(4), 28 USC §3203(a), 42 USC §§1963, 1983, 1985,

Federal Law Violations of Count Two, Claims and Creditors, ALL DEFENDANTS

The Official Record is a Certification of Clear and Convincing Evidence.

52. United States Constitutions, and California Constitutions, Art 6 §21. Cases, *Butner v. United States*, 440 U. S. 48 (1979), *Connecticut v. Doeher*, 501 U. S. 1 (1991), *Field v. Mans*, 516 U.S. 59 (1995), *Wolf v. Weinstein*, (1963). 11 USC 11 USC §101(5), §101(5)(B), 11 USC §101(10)(10)(A), 11 USC §101(12), 11 USC §101(10)(10)(A), §102(1)(A), 11 USC §102(8), 11 USC §105(a), §105(c), 11 USC §106(a), 11 USC §106(b), 11 USC §106(c), 11 USC §301, 11 USC §301(b), 11 USC §362(1 – 6), 11 USC §362(a), 11 USC §362(2)(B), 11 USC §362(2)(A), 11 USC §362(a)(3), 11 USC §362(d), 11 USC §362(d)(1), 11 USC (c)(1)(2)(A)(B), 11 USC §362(g), 11 USC §362(g)(1), 11 USC §501(a), 11 USC §501(c), 11 USC §501(e – i)), 11 USC §502(a), 11 USC §502(b), 11 USC §502(b)(1), 11 USC §502(b)(9), 11 USC §502(c)(2), 11 USC §502((b)(5)), 11 USC §502(d), 11 USC

8502(j), 11 USC 8505(a)(2)(e), 11 USC 8506(a), 11 USC 8507(a)(b)(B), 11 USC 8507(a)(b)(G), 11 USC 8522(f), 11 USC 8522(h), 11 USC 8523(a)(2)(A), 11 USC 8523(a)(5), 11 USC 8523(c)(1), 11 USC 8541(a)(1)(B), 11 USC 8541(b), 11 USC 8541(b)(1), 11 USC 8542, 11 USC 8543, 11 USC 8544, 11 USC 8545, 11 USC 8547, 11 USC 8549, 11 USC 8550, 11 USC 8558, 11 USC 81104(a)(1), 11 USC 81105, 11 USC 81107, 11 USC 81108, 11 USC 81111(a), 11 USC 81111 (b)(1)(A), 81115(a), 11 USC 81115(b), 11 USC 881121(b), 1123(a), 11 USC 81129(a)(7)(A)(ii), 11 USC 83001(c)(3)(A)(i - v), 18 USC 8152, 18 USC 157, 18 USC 81961, 18 USC 3571. 28 USC 28 USC 8157(b)(1)(B), 28 USC 8157(b)(2)(B), 28 USC 8157(d), 28 USC 81923, 28 USC 83001(c), 28 USC 83014(a). 28 USC 83014(a)(2), 28 USC 83014(a)(2)(B), 28 USC 83014(a)(3), 28 USC 83102(a)(1), 83102(c)(1), 83102(g)(4), 28 USC 83203(a), 28 USC 83302(e), 42 USC 881963, 1983, 1985. Bankruptcy Rules, Rule 1001, 11 USC 81107(a), 1017(d), 1020(b)(c), 3003(c)(2), 3006, 3007(b), 3017.1, 3020(b)(1), 4001(a), 4003(d), 5011, 6006(a), 6009, 7001, 7002, 7004, 7009, 7017, 7021, 7025, 7026, 7028, 7037, 7041, 7042, 7052, 7054 – 7056, 7064, 7069, 7071, 9006(b), 9014(a), 9014(b), 9014(d). Local Rule, 54-3, 7, 8, 9, 12. Federal Rules of Civil Procedure, Rules 9, 9(b), 41, 54(d)(1 – 7), 59(a). Local Bankruptcy Rule, 3007-1(a), 3007-1(b), 3007-1(c), 9013-1, 9023. Due process, Legislative History, Advisory Notes, Article 9 of the Uniform Commercial Code. Official Form #410.

**Federal Law Violations of Count Three, Appointment, Chapter 11 TRUSTEE,
ALL DEFENDANTS**

The Official Record is a Certification of Clear and Convincing Evidence.

53. United States Constitution, Article III, §2[1][2], Article IV, §2[1], Article VI, §[2], Amendments V, and XIV, **California Constitution vested rights**, Article

1, 881, 3(4), 4, 7(a), 24, 26, Article 3, 81, Article 6, 813. *Cases, Butner v. United States (1979), Connecticut v. Doeher, 501 U. S. 1 (1991), Wolf v. Weinstein, (1963).* 11 USC 8101(11)(C), 11 USC 102, 11 USC 8102(1)(A), 11 USC 8105(a), 11 USC 8105(c), 11 USC 109, 11 USC 8157, 11 USC 8301, 11 USC 8322, 11 USC 8326(a)(d), 11 USC 8327, 11 USC 8330(a)(1), 11 USC 8342(a), 11 USC 8342, 11 USC 345(d), 11 USC 8348(a)(b), 11 USC 8348(a)(b)(c), 11 USC 8348(e), 11 USC 8363, 11 USC 8363(b)(1), 11 USC 363(e), 11 USC 8365(b)(1)(A), 11 USC 8365(b)(2)(A)(B), 11 USC 8365 (c)(1)(A)(B)(2), 11 USC 8365 (e)(1), 11 USC 8523, 11 USC 8541. 11 USC 8541(a)(1), 11 USC 8541(b)(1), 11 USC 8545(B)(D), 11 USC 8546(a)(B), 11 USC 8547(b), 11 USC 548(a)(1)(2)(ii)(I), 11 USC 88548(c)(2)(B), 11 USC 8558, 11 USC 81102 (b)(1), 11 USC 81102 (a)(2)(5), 11 USC 81102(a)(1)(2)(3)(4), 11 USC 81102(a)(4), 11 USC 81102 (b)(1), 11 USC 81107(a)(b), 11 USC 1104, 11 USC 81104(a), 11 USC 81104(a)(b)(1), 11 USC 81107, 11 USC 81107(a), 11 USC 81108, 11 USC 81109(b), 11 USC 81111(a), 11 USC 81112(a)(b)(1)(2)(d), 11 USC 81112 (b)(3), 11 USC 81112 (b)(2), 11 USC 81112 (f), 11 USC 81115(a), 11 USC 81115(b), 11 USC 81141(d)(2), 11 USC 81121(a), 11 USC 81121(b), 11 USC 81121(d)(1), 11 USC 81121(e)(1), 11 USC 81121(e)(1)(B), 11 USC 1123, 11 USC 81123(b)(1)(2)(3)(5)(6), 11 USC 81123(3)(4), 11 USC 1163. 42 USC Chapter 21, Subchapter 1, §§1963, 1983, 1985. 28 USC 8157(b)(1)(B), 28 USC 82075, 28 USC 83014(a)(2), 28 USC 83014(a)(2)(B), 28 USC 83014(a)(3), 28 USC 83302,.28 USC 83302(a)(e). Bankruptcy Rules, 1001, 1017(d), 1017(e), 1020(b)(c), 2002(f)(2), 2013, 3017.1, 3020(b)(1), 4001(a), 4003(d), 6006(a), 6009, 7001, 7002, 7003, 7004, 7005, 7007, 7008, 7009, 7010, 7017, 7021, 7025, 7026, 7028 - 7037, 7041, 7042, 7052, 7054 – 7056, 7064, 7069, 7071, 9013, 9014, 9014(a), 9014(c), 9014(d), 1019(4), 9022. Due

Process, Legislative History, Advisory Committee Notes,

Federal Law Violations of Count Four, Disqualification, DEF. T. S. Albert

The Official Record is a Certification of Clear and Convincing Evidence.

54. United States Supreme Court Article III. *Cases*, *Liteky v. United States*, 114 S. Ct. 1147, 1162 (1994); *Liljeberg v. Health Services Acquisition Corp.*, (1988) 486, U. S. 487, 108 S. Ct. 2194, 100 L.Ed.2d 855.; *Larson v. Domestic & Foreign Commerce Corp.* (1949) 337 U. S. 682, 69 S. Ct. 1457, 93 L.Ed 1628. 11 USC 8326(a)(d), 11 USC 8327(d), 11 USC 8328, 11 USC 8342, 11 USC 348(c)(e), 11 USC 8365(d), 11 USC 8544, 11 USC 546, 11 USC 547, 11 USC 1104, 11 USC 1105, 11 USC 1106, 11 USC 1112, 11 USC 1129. 28 USC 8157(c)(1), 28 USC 8332(d)(1), 28 USC 8455(a)(b). 28 USC 81334, 28 USC 81452. Bankruptcy Rules, 5002(b), 5004(a), 7001(1), 7004(a)(1), 9003(a),. Federal Judgeship Act of 1984, Public Law 98-353, 98 Statute 333. 1978 Bankruptcy Reform Act, Public Law 95-598, included bankruptcy judges in the definition of United States judges in 28 USC 8451. General Order 224(4), Bankruptcy Rule Legislative Notes.

Federal Law Violations of Count Five, Living Trust, ALL DEFENDANTS

The Official Record is a Certification of Clear and Convincing Evidence.

55. Constitutions, Due Process and Equal Protection Clauses. *Cases*, *Wolf v. Weinstein*, (1963). 11 USC 8105(a), 11 USC 8301, 11 USC 8301(a), 11 USC 8301(b), 11 USC 8341(a), 11 USC 8541(a)(1)(B), 11 USC 8541(b)(1), 11 USC 81104, 11 USC 81106, 11 USC 81107(a), 11 USC 81109, 11 USC 81115(a), 11 USC 81115(b). 28 USC 8157(b)(5), 28 USC 8157(b)(c)(1), 28 USC 586(a), 28 USC 586(a)(3)(e), 28 USC 586(a)(3)(11), 28 USC 586(a)(3)(A), 28 USC 83014(a)(2)(A)(3). 42 USC Chapter 21, Subchapter 1, 881963, 1983, 1985.

Bankruptcy Rule 1002, 2003, 2007.1, 5004, 6004, 7001, 7003, 7004, 7005, 7007, 7008, 7012(b), 7009, 7087, 9013, 9014. Local Bankruptcy Rules, 7003-1, 7004-1, 7005-1, 7026-1, 7052-1, 9013-1. California Probate Code §82(a)(1). California Code of Civil Procedures, 709.010(a)(b)(c),

Federal Law Violations of Count Six, Long Beach, ALL DEFENDANTS

The Official Record is a Certification of Clear and Convincing Evidence.

56. Constitutions, Due Process and Equal Protection Clauses, Cases, *Wolf v. Weinstein*, (1963), 11 USC §301, 11 USC §301(a), 11 USC §301(b), 11 USC §348(a)(b), 11 USC §362, 11 USC §362(a)(c)(d)((e))(f)(g)(h), 11 USC §362(d)(1), 11 USC §362(2)(A), 11 USC §362(2)(B), 11 USC §362(g)(1), 11 USC §363, 11 USC §501(a), 11 USC §501(a)(b)(c)(d), 11 USC §502(a)(b)(c)(d), 11 USC §502(b), 11 USC §502(b)(1), 11 USC §541, 11 USC §542, 11 USC §545, 11 USC §1107(a), 11 USC §1115(b). 18 USC §8152, 157, and 3571. 28 USC §151, 28 USC §157(b)(5), 28 USC §157(c)(1), 28 USC §1115(a). 42 USC Chapter 21, Subchapter 1, §§1963, 1983, 1985, FRCP Rule 41, Bankruptcy Rule 1002, 3006, 7008, 7012(b). Local Bankruptcy Rule, 7008-1, Legislative History.

Federal Law Violations of Count Seven, Examination, ALL DEFENDANTS

The Official Record is a Certification of Clear and Convincing Evidence.

57. 11 USC §102, 11 USC §105, 11 USC §109, 11 USC §301, 11 USC §341, 11 USC §343, 11 USC §348(a)(b), 11 USC §348(e), 11 USC §546, 11 USC §547(b), 11 USC §1102, 11 USC §1102(a)(1), 11 USC §1104, 11 USC §1104(a), 11 USC §1106, 11 USC §1109, 11 USC §1112(f). 18 USC §157, 18 USC §1519. 28 USC §586(a - f). 42 USC Chapter 21, Subchapter 1, §§1963, 1983, 1985. Bankruptcy Rule, 2003, 2004. FRCP 45(a)(2), FRCP 45(b), FRCP 45(b)(3). Legislative Notes.

Federal Law Violations of Count Eight, Appointment, Chapter 7 TRUSTEE,
ALL DEFENDANTS

The Official Record is a Certification of Clear and Convincing Evidence.

58. United States Constitution, Article III, §2[1][2], Article IV, §2[1], Article VI, §[2], Amendments V, and XIV, **California Constitution vested rights**, Article 1, §81, 3(4), 4, 7(a), 24, 26, Article 3, §1, Article 6, §13. *Cases, Butner v. United States (1979), Connecticut v. Doeher*, 501 U. S. 1 (1991), *Wolf v. Weinstein*, (1963). 11 USC §101(11)(C), 11 USC 102, 11 USC §102(1)(A), 11 USC §105(a), 11 USC §105(c), 11 USC 109, 11 USC §157, 11 USC §301, 11 USC, §301(a). 11 USC §301(b). 11 USC §348(e), 11 USC §363, 11 USC §363(b)(1), 11 USC 363(e), 11 USC §365(b)(1)(A), 11 USC §365(b)(2)(A)(B), 11 USC §365 (c)(1)(A)(B)(2), 11 USC §365 (e)(1), 11 USC §523, 11 USC §541. 11 USC §541(a)(1), 11 USC §541(b)(1), 11 USC §545(B)(D), 11 USC §546(a)(B), 11 USC §547(b), 11 USC §548(a)(1)(2)(ii)(I), 11 USC §548(c)(2)(B), 11 USC §558, 11 USC §1102 (b)(1), 11 USC §1102 (a)(2)(5), 11 USC §1102(a)(1)(2)(3)(4), 11 USC §1102(a)(4), 11 USC §1102 (b)(1), 11 USC §1107(a)(b), 11 USC 1104, 11 USC §1104(a), 11 USC §1104(a)(b)(1), 11 USC §1107, 11 USC §1107(a), 11 USC §1108, 11 USC §1109(b), 11 USC §1111(a), 11 USC §1112(a)(b)(1)(2)(d), 11 USC §1112 (b)(3), 11 USC §1112 (b)(2), 11 USC §1112 (f), 11 USC §1115(a), 11 USC §1115(b), 11 USC §1141(d)(2), 11 USC §1121(a), 11 USC §1121(b), 11 USC §1121(d)(1), 11 USC §1121(e)(1), 11 USC §1121(e)(1)(B), 11 USC 1123, 11 USC §1123(b)(1)(2)(3)(5)(6), 11 USC §1123(3)(4), 11 USC 1163. 42 USC Chapter 21, Subchapter 1, §§1963, 1983, 1985. 28 USC §157(b)(1)(B), 28 USC §2075, 28 USC §3014(a)(2), 28 USC §3014(a)(2)(B), 28 USC §3014(a)(3), 28 USC §3302, 28 USC §3302(a)(e).

Bankruptcy Rules, 1001, 1017(d), 1017(e), 1020(b)(c), 2002(f)(2), 2013, 3017.1, 3020(b)(1), 4001(a), 4003(d), 6006(a), 6009, 7001, 7002, 7003, 7004, 7005, 7007, 7008, 7009, 7010, 7017, 7021, 7025, 7026, 7028 - 7037, 7041, 7042, 7052, 7054 – 7056, 7064, 7069, 7071, 9013, 9014, 9014(a), 9014(c), 9014(d). Advisory Nots.

Federal Law Violations of Count Nine, California Court, ALL DEFENDANTS

The Official Record is a Certification of Clear and Convincing Evidence.

59. United States Constitution Article III, Article III §2[1][2], and the Fifth Amendment, Fourteenth Amendments Due Process and Equal Protection of laws as well California Constitutional Art. 1, §1, §3(4), Art. 1 §7(a), 13, 19(a), 24, 26, Art. 3 §1, Art. 6 §13. Cases, *In Hanna v. Plumber*, 380 U.S. 400, 85, S. Ct. 1136, 14, L. Ed. 2d 8 (1965); *Connecticut v. Doebr*, 501U. S. 1 (1991); *Abelleira v. District Court of Appeals* (1941) 17 C.2d 280, 109P.2d 942; *Benvenido Case*, (1986) 180 CA3d 1030; *Burnett v King*, (1949) 33 C.2d 805, 807, 205 P.2d 657; *Conservatorship of Ivey*, (1986) 186 CA 3d 1559, 1563, 1566, 231 CR 376; *Conservatorship of Roulet*, (1979) 23 CA 3d 219, 230, 152 CR 424; *Geldermann v. Bruner*, (1991) 229, CA. 3d 662, 280 CR 264; *Vasquez v. Vasquez*, (1952) 109, CA.2d 280, 283, 240 P.2d; *Wolf v. Weinstein*, (1963). 11 USC 102(1)(A), 11 USC §105(a), 11 USC 105(c), 11 USC §157, 11 USC §301, 11 USC §342, 11 USC §342(a), 11 USC §345(d), 11 USC §348(a), 11 USC §362(a)(1 – 8), 11 USC §363, 11 USC §365(b)(1)(A), 11 USC §365(b)(2)(A)(B), 11 USC §365(c)(1)(A)(B)(2), 11 USC §365(e)(1), 11 USC §541(a)(1), 11 USC §541(b)(1), 11 USC §545(B)(D), 11 USC §546(a)(B), 11 USC §547(f), 11 USC §585, 11 USC 1102(a)(1 – 4), 11 USC §1104, 11 USC §1104(a)(b)(1), 11 USC §1107, 11 USC §1107(a), 11 USC §1107(a)(b), 11 USC §1108, 11 USC §1109(b), 11 USC 1115(a), 11 USC 1115(b),. 28 USC §136, 28 USC §157(a),

28 USC §157(b)(1), 28 USC §157(b)(1)(B), 28 USC §157(b)(2), 28 USC §157(c)(1), 28 USC §157(d), 28 USC §157(b)(1)(2), 28 USC §157(b)(5), 28 USC §157(b)(5). 28 USC §157(b)(c)(1), 28 USC §1163, 28 USC §2075, 28 USC §3014(a). 28 USC §3014(a)(2), 28 USC §3014(a)(2)(B), 28 USC §3014(a)(3), 28 USC §3302(a)(e). 42 USC Chapter 21, Subchapter 1 §§1963, 1983, 1985.

Bankruptcy Rules, 7008, 7012(b). Local Bankruptcy Rules, 7008-1.

California Code of Civil Procedure, §§367, 170.1, 594(a), 592, 916(a), California Probate Code §1310(a), 1310(b), §1424(a)(b), §1800.3(b), §1828, California Welfare Code §5350(d), s 5354, §5362, 5364, Rules Enabling Act, California Court Doctrine, Nature of Ripeness Doctrine.

Federal Law Violations of Count Ten, Conversion, ALL DEFENDANTS

The Official Record is a Certification of Clear and Convincing Evidence.

60. Cases, *Erie Railroad Co. v. Tompkins*, 304 U. S. 64, 58 S. Ct. 817, 82 L.Ed. 1188 (1938). 11 USC §102, 11 USC §105(c), 11 USC §109, 11 USC §301, 11 USC §302, 11 USC §303, 11 USC §305, 11 USC §341(a), 11 USC §348, 11 USC §348(a)(b), USC §348(e), 11 USC §362, 11 USC §542, 11 USC §542(a)(b), 11 USC §706(c), 11 USC §1102(a), 11 USC §1104(a), 11 USC §1110(a)(1), §1112(f), §1115(b), 11 USC §1121(b), 11 USC §1112(f), 11 USC §1141(d)(4), 11 USC §1112, 11 USC §1112(a), 11 USC §1112(b)(1), 11 USC §1112(b)(2). 28 USC §1652, 28 USC §2672, 28 USC §3014(a). 28 USC §3014(a)(2), 28 USC §3014(a)(2)(B), 28 USC §3014(a)(3). 42 USC Chapter 21, Subchapter 1, §§1963, 1983, 1985. Bankruptcy Rule 1017(d), 1017(e), 1017(e)(2), 2002, 2002(b), 2002(f)(2), 5005(a), 7001, 7002, 7003, 7004, 7005, 7007, 7008 and 7010, 9013. Local Bankruptcy Rule 1017-1(a)(3), 7017-2, 9013-1. Advisory Committee Notes.

Federal Law Violations of Count Eleven, Discharge, ALL DEFENDANTS

The Official Record is a Certification of Clear and Convincing Evidence.

61. Cases, *Connecticut v. Doe*, 501 U. S. 1 (1991); *Local Loan Co. v. Hunt*, 292 U. S. 234 (1934), *Larson v. Domestic & Foreign Commerce Corp.* (1949) 337 U. S. 682, 69 S. Ct. 1457, 93 L.Ed 1628, *Erie Railroad Co. v. Tompkins*, 304 U. S. 64, 58 S. Ct. 817, 82 L.Ed. 1188 (1938); *Mitchell v. W. T. Grant, Co.* 416 U. S. 600 (1974); *North Georgia Finishing, Inc. v. DiChem., Inc.* 419 U. S. 601 (1979). 7 USC 8707(b)(1), 7 USC 727, 7 USC 8727(a)(6)(A), 7 USC 8727(a)(8), 7 USC 8727(a)(9). 11 USC 8101(5), 11 USC 8101(12), 11 USC 8101(14), 11 USC 8106(c). 11 USC 8108, 11 USC 8343, 11 USC 362(c)(2), 11 USC 8523, 11 USC 8524, 11 USC 8524(a), 11 USC 81104(c)(2). 11 USC 81109(b), 11 USC 81112(a) 11 USC 81141(d)(3), 11 USC 81141(d)(1)(A). 11 USC 81141(d)(5), 11 USC 1141(d)(5)(A), 11 USC 1141(d)(5)(B). 28 USC 8157(b)(5), 28 USC 881346(b), 28 USC 8157(d), 28 USC 8586, 28 USC 82671, 28 USC 81652, 28 USC 82075, 28 USC 82672, 28 USC 83014(a). 28 USC 83014(a)(2), 28 USC 83014(a)(2)(B), 28 USC 83014(a)(3). Bankruptcy Rule, 1001(a), 1007(b)(7), 4004, 4004(a), 4004(b)(1), 4005, 4006, 4007(a)(c)(d), 5011(a), 7003, 7004, 7012(a)(b). 9006, 9014. Local Bankruptcy Rule 1001-1, 1017-1), 1017-1(a)(3). 3001-1(a), 7003-1, 9013-1(q)(9). Mandatory Form B1040. Federal Rules of Civil Procedure 4(c)(1)(2). Advisory Committee Notes,

Federal Law Violations of Count Twelve, U. S. Trustee's, Trustees

The Official Record is a Certification of Clear and Convincing Evidence.

62. Cases, *Erie Railroad Co. v. Tompkins*, 304 U. S. 64 58 S. Ct. 817, 82 L. Ed. 1188 (1938); *Griggs v. Providential Consumer Discount Co.*, 459 U. S. 56, 58, 103 S. Ct. 400, 402, 74 L.Ed.2d 225; *Larson v. Domestic & Foreign Commerce Corp.*,

(1949) 337 U. S. 682 69 S. Ct. 1457, 93 L.Ed1628. 11 USC §102(1)(A)(B), 11 USC §102(8), 11 USC §103(a), 11 USC §105(a), 11 USC §301, 11 USC §305, 11 USC §307, 11 USC §323(b), 11 USC §330, 11 USC §341, 11 USC §343, 11 USC §348, 11 USC §362(a)(3), 11 USC §362(d), 11 USC §362(e), 11 USC §503, 11 USC §522(f)(1), 11 USC §541, 11 USC §545(1)(A – E), 11 USC §546(a)(A)(B), 11 USC §547(b)(3)(4), 11 USC §727(a), 11 USC §727(a)(6)(A), 11 USC §1102, 11 USC §1103(c)(3), 11 USC §1104, 11 USC §1102(a)(1), 11 USC §1103(c)(3), 11 USC §1106, 11 USC §1107(a), 11 USC §1109, 11 USC §1112(a), 11 USC §1112(b)(1), 11 USC §1112(a)(b)(1)(2)(A)(B)(i)(ii), 11 USC §1112(b)(2)(3)(4)9A)(B), 11 USC §1112(f), 11 USC §1115(b), 11 USC §3014(a). 28 USC §157(b)(2), 28 USC §157(b)(3), 28 USC §157(c)(1), 28 USC §455(b)(5)(ii), 28 USC §526, 28 USC §581, 28 USC §582, 28 USC §583, 28 USC §586, 28 USC §586(a), 28 USC §1652, 28 USC §1746, 28 USC §3014(a). 28 USC §3014(a)(2), 28 USC §3014(a)(2)(B), 28 USC §3014(a)(3). .Bankruptcy Rules, 1002, 1007.1, 1017(d), 1017(f)(1)(2), 1019(1), 1020, 2003(a)(b)(1), 2004, 2015(a)(1), 2015.3, 2016, 2020, 3020(b)(1), 4001(a), 4004(a), 4004(b)(1), 4005, 6003(b), 6006(a), 7001(4), 7004(a)(1), 4007(a)(c)(d), 7030, 7069-2, 9002(1), 9006, 9013, 9014, 9029. Federal Rules of Civil Procedures, Rule 4, Rule 5. Local Bankruptcy Rules, 1006-1(a), 1017-1(a)(3), 2020. Legislative Notes, Advisory Committee Notes

Federal Law Violations of Count Thirteen, Extend Deadlines, ALL

DEFENDANTS

The Official Record is a Certification of Clear and Convincing Evidence.

63. 11 USC 101(10)(A)(B)(C). 11 USC §102, 11 USC §102(8), 11 USC §108, 11 USC §341(a), 11 USC §343, 11 USC §523(a), 11 USC §524, 11 USC §586, 11 USC

§586(a). 28 USC §157(b)(2), 28 USC §157(b)(5), 28 USC §581, 28 USC §582, 28 USC §583, 28 USC §3014(a). 28 USC §3014(a)(2), 28 USC §3014(a)(2)(B), 28 USC §3014(a)(3). Bankruptcy Rules, 1019, 1020, 2003(a), 2004, 4004(b)(1), 7030, 8002, 8011, 9006(a), 9013, 9014. Federal Rules of Civil Procedures Rule 6(b). Local Bankruptcy Rule

LBR 2004-1(a), 7069-2. Legislative Notes,

**Federal Law Violations of Count Fourteen, Turnover Property, ALL
DEFENDANTS**

The Official Record is a Certification of Clear and Convincing Evidence.

64. Cases, *Erie Railroad Co. v. Tompkins*, 304 U. S. 64, 58 S. Ct. 817, 82 L.Ed. 1188 (1938); *Judson v. L.A. Suburban Gas Co.* (1910) 157 Cal. 168, 171-172, 106 P. 581; 11 USC §363, 11 USC §436(B)(1)(A)(B)(2)(A)(B), 11 USC §542(a)(b), 11 USC §545(1)(A)(B)(C)(D)(E)(F)(2), 11 USC §546(a)(1)(A)(B)(2), 11 USC §546(h)(1)(2), 11 USC §547(b)(1)(2)(3), 11 USC §547(3)(4)(A)(B), 11 USC §547(5)(A)(B)(C), 11 USC §547(c)(B)(A)(iii)(iv), 11 USC §547(f), 11 USC §547(g), 11 USC §547(i), 11 USC §1107(a), 11 USC §1112(b), 11 USC §1112(f), 11 USC §1115(b), 28 USC §157(b)(5), 28 USC §3014(a). 28 USC §3014(a)(2), 28 USC §3014(a)(2)(B), 28 USC §3014(a)(3). Local Bankruptcy Rules, 1017-1(a)(3).

Federal Law Violations of Count Fifteen, U. S. Marshals

The Official Record is a Certification of Clear and Convincing Evidence.

65. Federal Constitution, Fourth, Fifth Amendments. California Constitution, Art. 1, §1, §3, §4, §7, §19, §24, §26, Art. 3, §1. Cases, *Beneficial National Bank v. Anderson*, 529 U. S. 1, 7, 123, S. Ct. 2058, 2063 156, L. Ed. 2d 1(2003); *California v. Hodari D.* 490 U. S. 621 (1991); *In Katz v. U. S.*, 389 U. S. 347 (1967); *In re Manuel G.*, 16 C.A. 4th 805 (1997); *In U. S. v. Bond*, 529 U. S. 334 (2000); *Larson*

v. Domestic & Foreign Commerce Corp. (1949) 337 U. S. 682, 69 S. Ct. 1457, 93 L.Ed 1628; *Erie Railroad Co. v. Tompkins*, 304 U. S. 64, 58 S. Ct. 817, 82 L.Ed. 1188 (1938); *Judson v. L.A. Suburban Gas Co.* (1910) 157 Cal. 168, 171-172, 106 P. 581; *People v. Cartwright*, 72 C. A. 4th 1362 (4th Dist. 1999); *People v. Terrell*, 69 C. A. 4th 1246, (2nd Dist. 1999); *People v. Woods* 21 C. A. 4th 668 (1999); *Soldal v. Cook Co.* 506 U. S. 538 (1992); *Wilson v. Super. Ct. of Los Angeles Co.* 34 C. A. 3d (1983); *U.S. v. Jacobsen*, 466 U. S. 109 (1984). 11 USC §102, 11 USC §105, 11 USC §109, 11 USC §301, 11 USC §546(b)(1), 11 USC §547(b), 11 USC §547(f), 11 USC §362(1) – (5), 11 USC §348, 11 USC §348(a)(b)(e), 11 USC §348(e), 11 USC §348(f), 11 USC §362, 11 USC §542, 11 USC §542(a)(b), 11 USC §546(b), 11 USC §547(b), 11 USC §549(c), 11 USC §550(a). 11 USC §558, 11 USC §706, 11 USC §1104(a), 11 USC §1107(a), 11 USC §1112, 11 USC §1112(b), 11 USC §1112(f). 11 USC §1115(b), 11 USC §1208, 11 USC §1307. 18 USC §8157, 1519. 28 USC §547(2), 28 USC §564, 28 USC §566, 28 USC §566(a), 28 USC §566(c), 28 USC §566(d), 28 USC §1172, 28 USC §1346(b), 28 USC §1346(b)(c)(f), 28 USC §1356, 28 USC §1361, 28 USC §1402, 28 USC §1652, 28 USC §2075, 28 USC §2401(a)(b), 28 USC §2671, 28 USC §2672, 28 USC §2674, 28 USC §2677. 42, Chapter 21, Subchapter 1. §1983. Federal Rules of Civil Procedure, Rules 8(1), 8(2), 12(1), 12(6), 16, 16(f), 26, 30, 31, 33, 34, 36, 37(g). 42. 56. Federal Rule of Evidence Rule 302. Federal Privacy Act of 1974. Bankruptcy Rules, 6009. Local Rule, 1017-1(a)(3). California Civil Code, §52.3(a), §1573, §1708(a). §1709 §1710, §1712, §3294(c)(1)(2)(3), §3334, §3343(a)(2)(3), §3343(b)(2). California Code of Civil Procedure, §1159(1)(2), CCP§1160(1)(2). California Penal Code, §9, §240, §242 §368, §487, §602(a)-(o), §602(1)(2), §671, §994, §997, §3337, §3353, §3355, §3357.

**Federal Law Violations of Count Sixteen, Taking of Property, ALL
DEFENDANTS**

The Official Record is a Certification of Clear and Convincing Evidence.

66. Federal Constitution, Fourth, Fifth Amendments. California Constitution, Art. 1, §1, §3, §4, §7, §19, §24, §26, Art. 3, §1. *Cases, Beneficial National Bank v. Anderson*, 529 U. S. 1, 7, 123, S. Ct. 2058, 2063 156, L. Ed. 2d 1(2003); *California v. Hodari D.* 490 U. S. 621 (1991); *In Katz v. U. S.*, 389 U. S. 347 (1967); *In re Manuel G.*, 16 C.A. 4th 805 (1997); *In U. S. v. Bond*, 529 U. S. 334 (2000); *Larson v. Domestic & Foreign Commerce Corp.* (1949) 337 U. S. 682, 69 S. Ct. 1457, 93 L.Ed 1628; *Erie Railroad Co. v. Tompkins*, 304 U. S. 64, 58 S. Ct. 817, 82 L.Ed. 1188 (1938); *Judson v. L.A. Suburban Gas Co.* (1910) 157 Cal. 168, 171-172, 106 P. 581; *People v. Cartwright*, 72 C. A. 4th 1362 (4th Dist. 1999); *People v. Terrell*, 69 C. A. 4th 1246, (2nd Dist. 1999); *People v. Woods* 21 C. A. 4th 668 (1999); *Soldal v. Cook Co.* 506 U. S. 538 (1992); *Wilson v. Super. Ct. of Los Angeles Co.* 34 C. A. 3d (1983); *U.S. v. Jacobsen*, 466 U. S. 109 (1984). 11 USC §102, 11 USC §103, 11 USC §105, 11 USC §109, 11 USC §301, 11 USC §305(a)(1), 11 USC §307, 11 USC §341(a)(d), 11 USC §546(b)(1), 11 USC §547(b), 11 USC §547(f), 11 USC §362(1) – (5), 11 USC §348, 11 USC §348(a)(b)(e), 11 USC §348(e), 11 USC §348(f), 11 USC §362, 11 USC §542, 11 USC §542(a)(b), 11 USC §546(b), 11 USC §547(b), 11 USC §549(c), 11 USC §550(a). 11 USC §558, 11 USC §706, 11 USC §1104(a), 11 USC §1107(a), 11 USC §1112, 11 USC §1112(b), 11 USC §1112(f). 11 USC §1115(b), 11 USC §1208, 11 USC §1307. 18 USC §8157, 1519. 28 USC §455, 28 USC §547(2), 28 USC §564, 28 USC §566, 28 USC §566(a), 28 USC §566(c), 28 USC §566(d), 28 USC §1172, 28 USC §1346(b), 28 USC §1346(b)(c)(f), 28 USC §1356, 28 USC §1361, 28 USC §1402, 28 USC §1652, 28 USC §2075, 28 USC

82401(a)(b), 28 USC §2671, 28 USC §2672, 28 USC §2674, 28 USC §2677, 28 USC §3014(a). 28 USC §3014(a)(2), 28 USC §3014(a)(2)(B), 28 USC §3014(a)(3). . 42, Chapter 21, Subchapter 1. §1983. Federal Rules of Civil Procedure, Rules 8(1), 8(2), 12(1), 12(6), 16, 16(f), 26, 30, 31, 33, 34, 36, 37(g). 42. 56. Federal Rule of Evidence Rule 302. Federal Privacy Act of 1974. Bankruptcy Rules, 6009. Local Rule, 1017-1(a)(3). California Civil Code, §52.3(a), §1573, §1708(a). §1709 §1710, §1712, §3294(c)(1)(2)(3), §3334, §3343(a)(2)(3), §3343(b)(2). California Code of Civil Procedure, §1159(1)(2), CCP§1160(1)(2). California Penal Code, §9, §240, §242 §368, §487, §602(a)-(o), §602(1)(2), §671, §994, §997, §3337, §3353, §3355, §3357. Ninth District General Order 224(4).

Federal Law Violations of Count Seventeen, Unwarranted Proceeding, ALL DEFENDANTS

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67. All of the above stated United States Constitution, California Constitution, Statutes, Federal Law, California Law as stated in the Sixteen Counts.

68. Document #1, Dated March 6, 2018, verifies that Jack R. Finnegan is the Debtor, pursuant to 11 USC §350(b), Bankruptcy Rule 4007(a) allows only the Debtor or any Creditor is entitled to file a Complaint, since there are no legitimate Creditors the Complaint can only be filed by Jack R. Finnegan, pursuant to 11 USC §524(a)(1)(2)(3). **28 USC §1930**, states, “The reopening fee must not be charged in the following situations. To permit a party to file a complaint to obtain a determination under Rule 4007(b); or when a Debtor files ... based upon an alleged violation of the terms of the discharge under 11 USC §524; or when the reopening is to correct an administrative error.”, Bankruptcy Rule 4007(b),

states, **"A case may be reopened without payment of an additional filing fee for the purpose of filing a complaint to obtain a determination under this Rule."**

THE UNITED STATES NEVER A LOSES

69. The United States never a loses, because liberty of one of its citizens is preserved, the United States wins the day.


PRAYER FOR RELIEF

70. Damages for each Claim as defined in Federal Rules of Civil Procedure Rule 54(b), 54(c), will be ascertained by the jury on all of the Seventeen Counts, where each Claims could be enforced separately, where there is more than one potential recovery, or where different types of relief are requested.

71. For costs of suit, and

72. For such other and further relief as the Court deems just and proper.

Dated: January 8, 2024



Jack R. Finnegan